10

TWO ACTS OF Parliament,

Made in the 17. year of

King *CHARLES*, I.

OF

Bleſſed Memory.

The firſt. *Concerning the High-Commiſſion Court. And the Powers of the Arch-Biſhop, Biſhop Vicar General, Chancellor Official, Commiſſary, Ordinary. And all other Spiritual, or Eccleſiaſtical Judges, or Miniſters of Juſtice.*

The Second, *That Perſons in holy Orders ſhall not exerciſe any Temperal Juriſdiction.*

London: Printed for *Edward Spurdance*, and are to be ſold in *Weſtminſter-Hall*, *Pauls Church yard*, and the *Royal Exchange*. 1661.

The High Commiſſion Court taken away.

17. *King* Charles I. *the* 11. *ch. pag.* 12. *in the Folio Book.*

WHereas in the Parliament holden in the firſt year of the Reign of the late Queen *Eliz.* late Queen of *England* there was an Act made and eſtabliſhed, Intituled, *An Act reſtoring to the Crown the ancient Juriſdiction over the ſtate Eccleſiaſtical and Spiritual, and aboliſhing all forreign power repugnant to the ſame*; In which Act, amongſt others things, their is contained one Clauſe, Branch, Artlcle, or Sentence, whereby it was enacted to this effect; Namely, that the ſaid late Queens Highneſs, her Heirs and Succeſſours Kings or Queens of this Realm, ſhall have ful power and authority by vertue of that Act, by Letters Patents under the great Seal of *England*, to aſſign, name and authorize, when, and as often as her Highneſs, her Hairs or Succeſſours ſhould think meet and convenient, and for ſuch, and ſo long time as ſhould pleaſe her Highneſs, her Heirs or Succeſſours, ſuch perſon or perſons being natural born Subjects to her Highneſs, her Heirs or Succeſſours, as her Majeſty, her Heirs or Succeſſours ſhould think meet to exerciſe, uſe, occupy and execute under her Highneſs, her Heirs and Succeſſours, all manner of Juriſdictions, Priviledges and preheminence, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdictions within theſe her Realms of *England*

and *Ireland*, or any other her Highneſs Dominions and Countreys, and to viſit, reform, redreſs, order, correct and amend all ſuch errours, hereſies, ſchiſmes, abuſes, offences, contempts and Enormities whatſoever, which by any manner Spiritual or Eccleſiaſtical power, authority or juriſdiction, can, or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended, to the pleaſure of Almighty God, the increaſe of vertue, and the conſervation of the peace and unity of this Realm. And that ſuch perſon or perſons ſo to be named, aſſigned, authorized and appointed by her Highneſs, her Heirs or Succeſſours, after the ſaid Letters Patents to him or them made and delivered, as aforeſaid, ſhould have ful power and authority by vertue of that Act, and of the ſaid Letters Patents under her Highneſs, her Heirs or Succeſſours, to exerciſe, uſe, and execute all the premiſſes, according to the tenour and affect of the ſaid Letters Patents, any matter or cauſe to the contrary in any wiſe notwithſtanding.

High Commiſſion Court. And whereas by colour of ſome words in the foreſaid Branch of the ſaid Act, whereby Commiſſioners are authorized to execute their Commiſſion according to the tenour and effect of the Kings Letters, Patents, and by Letters Patents grounded thereupon, the ſaid Commiſſioners have, to the great and inſufferable wrong and oppreſſion of the Kings Subjects, uſed to fine and impriſon them, and to exerciſe other authority not belon-

belonging to Eccleſiaſtical Juriſdiction reſtored by that Act, and divers other great miſchiefs and inconveniences have alſo enſued to the Kings Subjects, by occaſion of the ſaid Branch and Commiſſions iſſued thereupon, and the Executions thereof: Therefore for the repreſſing and preventing of the foreſaid abuſes, miſchiefs and inconveniences in time to come.

Be it enacted by the Kings moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the foreſaid Branch, Clauſe, Article or Sentence contained in the ſaid Act, and every word, matter and thing contained in that Branch, Clauſe, Article, or Sentence, ſhall from henceforth be repealed, annulled, revoked, annihilated and utterly made void for ever, any thing in the ſaid Act to the contrary in any wiſe notwithſtanding. *Repeal.*

And be it alſo enacted by the authority aforeſaid, That no Arch-biſhop, Biſhop, nor Uicar General, nor any Chancellour, Official nor Commiſſary of any Arch-biſhop, Biſhop, or Uicar General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judg, Officer or Miniſter of Juſtice, nor any other perſon or perſons whatſoever, exerciſing Spiritual or Eccleſiaſtical power, authority, or juriſdiction, by any Grant, Licence, or Commiſſion of the Kings Majeſty, his Heirs or Succeſſors, or by any power or authority derived from the *Powers taken away.*

King, his Heirs or Succeſſors, or otherwiſe, ſhall, from and after the firſt day of *Auguſt*, which ſhall be in the year of our Lord God, One thouſand ſix hundred fourty and one, award, impoſe, or inflict any pain, penalty, fine, amercement, impriſonment, or other corporal puniſhment upon any of the Kings Subjects, for any contempt, miſdemeanour, crime, offence, matter or thing whatſoever, belonging to Spiritual or Eccleſiaſtical cognizance or juriſdiction, or ſhall *ex officio*, or at the inſtance or promotion of any other perſon whatſoever, urge, enforce, tender, give, or miniſter unto any Church-warden, Syde-man, or other perſon whatſoever, any corporal Oath, whereby he or ſhe ſhall or may be charged or obliged to make any preſentment of any crime or offence, or to confeſs or to accuſe him or her ſelf of any crime, offence, delinquency or miſdemeanour, or any neglect, matter of thing, whereby, or by reaſon whereof, he or ſhe ſhall or may be lyable or expoſed to any cenſure, pain, penalty, or puniſhment whatſoever, upon pain and penalty, that every perſon, who ſhall offend contrary to this Statute, ſhal forfeit and pay treble dammages to every perſon thereby grieved, and the ſum of one hundred pounds to him or them, who ſhall firſt demand and ſue for the ſame, which ſaid treble dammages and ſum of one hundred pounds, ſhall and may be demanded and recovered by Action of debt, Bill, or Plaint in any Court of Record, wherein no Priviledge, Eſſoign,

Oath ex officio.

Penalty of one hundred pounds, and treble dammages.

Eſſoign, Protection, or Wager of Law ſhall be admitted or allowed to the Defendant.

Offender convicted, diſabled for any Office or Imployment.

And be it further Enacted, That every perſon who ſhall be once convicted of any Act or Offence, prohibited by this Statute, ſhall for ſuch Act or Offence be from and after ſuch conviction utterly diſable to be or continue in any office or imployment, in any Court of Juſtice whatſoever: or to exerciſe or execute any power, authority, or juriſdiction, by force of any Commiſſion, or letters Patents of the King, his Heirs or Succeſſors.

No new Court with like power ſhall be erected.

And be it further Enacted, That from and after the firſt day of *Auguſt*, no new Court ſhall be Erected, ordained, or appointed within this Realm of *England* or Dominion of *Wales*, which ſhall or may have the like power, juriſdiction, or authority, as the ſaid high Commiſſion Court now hath or pretendeth to have. But that all and every ſuch Letters Patents, Commiſſions and Grants made or to be made by his Majeſty, his Heirs or Succeſſors, And all power and authorities granted or pretended, or mentioned to be granted thereby, and all Acts, Sentences and Decrees to be made by vertue or color thereof, ſhall be utterly void and of none effect.

Perſons in holy Orders ſhall not exerciſe any Temporal Juriſdiction.

17. King Charles I. *the* 28. *ch. pag.* 21. *in the Folio Book.*

WHereas Biſhops and other perſons in holy Orders ought not to be intangled with ſecular Juriſdiction (the office of the Miniſtery being of ſuch great importance, that it will take up the whol man) And for that

Persons in holy Orders ought not to be intangled with secular jurisdiction.

that it is found by long experience, that their intermedling with secular Jurisdictions, hath occasioned great mischiefs and scandal, both to Church and State; His Majesty, out of his Religious care of the Church and Souls of his people, is graciously pleased that it be Enacted, And by authority of his present Parliament be it Enacted, That no Arch-bishop or Bishop, or other person that now is, or hereafter shall be in holy Orders, shall at any time, after the fifteenth day of *February*, in the year of our Lord, One thousand six hundred forty one, have any Seat or Place, Suffrage or voice, or use or execute any power or authority in the Parliaments of this Realm, nor shall be of the Privy Council of his Majesty, his Hairs or Successors, or Justice of the Peace of Oyer and Terminer, or Goal-delivery, or execute any Temporal authority by vertue of any Commission, but shall be wholly disabled, and be uncapable to have, receive, or use, or execute any of the said Offices, Places, Powers, Authorities, and things aforesaid.

Such shall not sit in Parliament nor be of the Privy Council, Justice of Peace, or exercise Temporal authority by Commission.

All Acts and Suffrages contrary hereunto, to be void.

And be it further Enacted by the authority aforesaid, That all Acts from and after the said fifteenth day of *February*, which shall be done or executed by any Arch-bishop or Bishop or other person whatsoever in holy Orders, and all and every Suffrage or Voice, given or delivered by them or any of them, or other thing done by them or any of them contrary to the Purport and true meaning of this present Act, shall be utterly void to all intents, constructions and purposes.

FINIS.

~~But By an Act ...~~

By an Act 13. C. 2 (Entituled an act for explanation of a clause, contained in an act of Parlaiment made 17 of ~~the~~ the late K. C. Entituled an Act for the repeale of a branch of a statut primo Eliza: concerning Commissions for causes Ecclesiasticall) The Bps &c are re invested with all the power they ~~[illegible]~~ had in ye ¶ of Eliza: excepting what concerns the High-Commission Court, or the new Erection of some such like courts by a Commission — 13. C. 2.

See ye ¶ Eliza: chap. 2: page 1006 & 1007 entituled an Act for uniformitie of Prayer &c: in Pultons Collection

See ye same Act in ye 40th page of this Collection heer unto ~ 11 ~ Annexed

& see for this ye 5 & 6 of Edw: ye 6th chapt: ye ¶: ~~[illegible]~~ page 891 entituled an Act for uniformity: &c.

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